

Appl. No. 10/669,610
Atty. Docket No. CM2699
Amdt. dated March 16, 2006
Reply to Office Action of February 16, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-7, 9, 11, 12, 14, 15, 19-25, and 31 are pending in the present application. No additional claims fee is believed to be due.

Claim Objections

Claim 5 was objected to based on an apparent typographical error. In a Preliminary Amendment filed on September 23, 2003, Claim 5 was amended to correct the typographical error. The Applicants submit that the Objection to Claim 5 was effectively addressed by the Preliminary Amendment.

Claim 8 was objected to for being in improper dependent form. In a Preliminary Amendment filed on September 23, 2003, Claim 8 was canceled. The Applicants submit that the Objection to Claim 8 was effectively addressed by the Preliminary Amendment.

Rejection Under 35 U.S.C. § 102 Over Luizzi

Claims 1-7, 9, 11, 12, 14, 15, 19, 21-25, and 31 were rejected under 35 U.S.C. § 102(b) over Luizzi (EP1013291A1). The Applicants respectfully traverse the rejection. Luizzi, as cited in the Office Action, fails to disclose each and every element of independent Claims 1 and 19 of the present application. Claims 1 and 19 state that the "liquid thermoplastic composition . . . is configured in a plurality of unattached spaced apart zones."

The Office Action, Page 3, states that Fig. 3 of Luizzi "teaches a coating pattern for said adhesive that forms a plurality of spaced apart, unattached zones." Paragraph [0023] of Luizzi describes Fig. 3 and states that the "[l]iquid absorbing hot melt adhesive 40 is zone coated in absorbency zone 350 in a substantially rectangular pattern." Fig. 3 illustrates the absorbency zone 350 as a single rectangular zone, with the cross-hatching apparently drafted to clearly distinguish the absorbency zone 350 against the cover layer 310. A substantially rectangular pattern is not a plurality of spaced apart, unattached zones, as claimed in Claims 1 and 19 of the present application.

In light of the above, the Applicants submit that Claims 1 and 19 are allowable under 35 U.S.C. § 102(b) over Luizzi. The Applicants respectfully request that the rejections of Claims 1 and 19 be withdrawn.

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Claims 2-7, 11, 12, 14, and 15 depend upon Claim 1. Because Claim 1 is allowable under 35 U.S.C. § 102(b) over Luizzi, the Applicants submit that Claims 2-7, 11, 12, 14, and 15 are also allowable under 35 U.S.C. § 102(b) over Luizzi. The Applicants respectfully request that the rejections of Claims 2-7, 11, 12, 14, and 15 be withdrawn.

Claims 21-25 and 31 depend upon Claim 19. Because Claim 19 is allowable under 35 U.S.C. § 102(b) over Luizzi, the Applicants submit that Claims 21-25 and 31 are also allowable under 35 U.S.C. § 102(b) over Luizzi. The Applicants respectfully request that the rejections of Claims 21-25 and 31 be withdrawn.

Rejection Under 35 U.S.C. § 103(a) Over Luizzi in View of Keller

Claims 9 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Luizzi (EP1013291A1) in view of Keller (US 4,995,333). This rejection is traversed because the Office Action fails to establish a *prima facie* case of obviousness (see MPEP 2143.03). Luizzi in combination with Keller, as cited in the Office Action, fails to teach or suggest each and every element of Claims 9 and 20 of the present application. Claims 1 and 19, upon which Claims 9 and 20 depend, respectively, state that the "liquid thermoplastic composition . . . is configured in a plurality of unattached spaced apart zones." As discussed above with respect to the rejection under 35 U.S.C. § 102(b) over Luizzi, the Office Action fails to identify disclosure in Luizzi teaching or suggesting a "liquid thermoplastic composition . . . configured in a plurality of unattached spaced apart zones." The portions of Keller cited in the Office Action also do not teach or suggest a "liquid thermoplastic composition . . . configured in a plurality of unattached spaced apart zones." Therefore, the Office Action has failed to establish a *prima facie* case of obviousness.

For the reasons set forth above, the Applicants submit that Claims 9 and 20 are allowable under 35 U.S.C. § 103(a) over Luizzi in view of Keller. The Applicants respectfully request that the rejections of Claims 9 and 20 be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §§ 102(b) and 103(a). Early and favorable action in the case is respectfully requested.

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This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application and allowance of Claims 1-7, 9, 11, 12, 14, 15, 19-25, and 31 are respectfully requested.

Respectfully submitted,

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By


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